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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:17-cr-178-APG-GWF

Plaintiff,

v.

ORDER

KEVIN MICHAEL MILNE,

Defendant.

This matter is before the Court on the Government’s Motion to Compel Psychological Testing Materials, or for a Rule 17 Subpoena Duces Tecum (ECF No. 45), filed on May 14, 2019. Defendant Kevin Michael Milne filed his Response (ECF No. 51) on May 28, 2019. The Government filed its Reply (ECF No. 53) on June 3, 2019. The Court conducted a hearing in this matter on June 4, 2019.

The Government requests that the Court order Defendant to produce the underlying test materials on two psychological inventories that Defendant completed during his forensic interview including raw test scores, protocols, test question materials, notes made regarding test scoring, and result summaries and interpretative reports. In the alternative, the Government requests permission to issue a subpoena duces tecum pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure. The Court grants the Government’s motion to compel psychological testing materials and enters a protective order that the psychological testing materials are only to be used for Defendant’s sentencing hearing. The Government shall not provide the produced psychological testing materials to third parties not involved in the criminal proceedings. The basis of the Court’s ruling is as stated in the hearing conducted on June 4, 2019 on this matter. Accordingly,

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...

1 **IT IS HEREBY ORDERED** that is the Government's Motion to Compel Psychological
2 Testing Materials, or for a Rule 17 Subpoena Duces Tecum (ECF No. 45) is **granted**.

3 Dated this 4th day of June, 2019.

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7 GEORGE FOLEY, JR.
8 UNITED STATES MAGISTRATE JUDGE
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